

Amendment
U.S. Patent Application No. 09/711,177

REMARKS

Claims 1, 5-9, 11, 12, 15-20, 24-29, and 32-42 are pending in the subject application: claims 1-3, 5-9, 13, 14, 16, 20-23, 25, 26, 28-30, 32, and 34 stand rejected, and claims 4, 10-12, 15, 17-19, 24, 27, 31 and 33 are indicated as containing allowable subject matter. By the above amendments, claims 2-4, 10, 13, 14, 21-23, 30 and 31 have been canceled, claims 1, 6, 7, 9, 11, 12, 15-17, 19, 20, 24-28, 33, and 34 have been amended, and new claims 35-42 have been added. Favorable reconsideration of the application and allowance of all of the pending claims are respectfully requested in view of the above amendments.

Claims 1, 5, 7, 9, 13, 16, 18, and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,549,303 to Gutleber. Further, claims 103, 5, 6, 8, 13, 14, 16, and 20 stand rejected as being anticipated by U.S. Patent No. 4,234,930 to Campbell, and claim 21 stands rejected as being anticipated by U.S. Patent No. 4,727,570 to Tarbouriech. Finally, claims 22, 23, 25, 26, 28-30, 32, and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tarbouriech in view of Campbell. However, the Examiner indicates that claims 4, 10-12, 15, 17-19, 24, 27, 31 and 33 would be allowable if rewritten in independent form to include all of the limitations of their parent claims and any intervening claims.

By the above amendments, all of the previously existing claims have been amended to include the subject matter of the allowable claims, thereby rendering moot these rejections. In particular, claim 1 has been amended to include the subject matter of allowable claim 4 (claim 4 and intervening claims 2 and 3 have been canceled). Claim 9 has been amended to include the subject matter of allowable claim 10 (claim 10 has been canceled). Allowable claims 15, 17 and 19 have been rewritten in independent form (parent claim 13 and claim 14 have been canceled). Allowable claims 24 and 27 have been rewritten in independent form (parent claim 21 and claims 22 and 23 have been canceled). Independent claim 28 has been amended to include the subject matter of allowable claim 31 (claims 30 and 31 have been canceled), and allowable claim 33 has been rewritten in independent form. Accordingly, the Examiner is respectfully requested to allow amended claims 1, 6, 7, 9, 11, 12, 15-17, 19, 20, 24-28, 33, and 34.

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Applicant has added new independent claims 35, 37 and 40. New independent claim 35 sets forth a method of determining the phase of a transmitted code generated from two codes by detecting the phases of the two codes and determining the phase of the transmitted code from the detected phases of the two codes using the Chinese Remainder Theorem. Support for new independent claim 35 is found in Applicant's specification at least on page 12, line 27 - page 14, line 3. Applicant respectfully submits that the present invention as recited in independent method claim 35 is not taught or suggested by the concepts disclosed in Campbell, Gutleber, and Tarbouriech. None of the references recites a method for determining the phase of the combined code by employing the Chinese Remainder Theorem.

New independent claim 37 sets forth a code generating apparatus for generating a code of a predetermined length that is less than the code length permitted by interleaving two shorter codes. New independent method claim 40 includes comparable limitations. Support for these claims is found in Applicant's specification at least on page 15, line 29 - page 17, line 2. Applicant respectfully submits that the present invention as recited in these claims is not taught or suggested by the concepts disclosed in Campbell, Gutleber, and Tarbouriech. None of the references teaches or suggests an apparatus or method for generating a code of a predetermined length in the manner claimed.

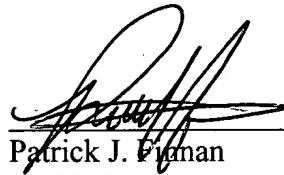
In view of the foregoing, Applicant respectfully requests the Examiner to find the application to be in condition for allowance with claims 1, 5-9, 11, 12, 15-20, 24-29, and 32-42. However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney to discuss any unresolved issues and to expedite the disposition of the application.

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Filed concurrently herewith is an excess claim fee in the amount of \$688.00 for payment of 8 independent claims in excess of the 4 previously paid for and 0 total claims in excess of the 34 previously paid for. Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 05-0460.

Respectfully submitted,



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